

### INTERVIEW SUMMARIES

An initial interview took place on February 3, 2006. Applicants' attorneys Jason Stowe and Aaron Haleva discussed the substantive differences between the prior art and the present invention with Examiner Thomas Gyorfi. Applicants' attorneys and the Examiner further discussed the addition of a computer or electronic data processing device element to various independent claims to avoid potential 35 U.S.C. § 101 rejections.

A follow-up interview occurred on February 28, 2006. At the follow-up interview Applicants' attorneys proposed an amendment to the independent claims to further establish the instant invention's utility in business/managerial applications, and offered amendments to the independent method claims to recite use of a computer, data processor or electronic data network. The Examiner agreed that the proposed changes would be sufficient to overcome the current rejections.

### REMARKS

Initially, Applicants would like to thank the Examiner for the courtesies which he extended during the interviews which took place on February 3, 2006 and February 28<sup>th</sup>. Applicants found the interviews to be very helpful.

Claims 1, 3, and 5-33 are pending in the application. Claims 2 and 4 were previously canceled without prejudice. Claims 1, 9, 22, 23, 28 and 30 have been amended to further clarify Applicants' invention. Claims 1, 9, 22, 23, 28 and 30 are the independent claims.

The presented amendments in view of the following remarks are believed to be fully responsive to the Office Action mailed on October 5, 2005.

Claims 1, 3, and 5-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,144,838 to Sheehan ("*Sheehan*") and further in view of U.S. Patent No. 5,987,302 to

Driscoll et al. (*Driscoll*). Claims 32 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sheehan* and *Driscoll*, and further in view of U.S. Patent No. 5,987,443 to Nichols et al. (“Nichols”).

*Sheehan* discloses a system to evaluate performance on standardized tests. The invention requires the input of test-specific data in the form of (1) “IRT item difficulty estimates” and (2) matrix of “hypothesized skill classifications for each of n items on each of k skills.” *Sheehan*, col. 9 lines 20-23. The data is statistically analyzed to determine a probability of student success on subsequent similar standardized tests.

*Driscoll* is directed to similar educational evaluation goals in an academic context. *Driscoll* describes facilitation of communication between teacher and student by presenting essay questions to a student, mailing his or her responses to an evaluator, and mailing the evaluator’s feedback back to the student. *Driscoll* is directed to improving the writing skill of an individual student.

As discussed in the interviews, in contrast to this prior art focus of testing a student as to his or her academic knowledge, the present invention is directed to systems and methods that seek an evaluation of an evaluatee’s performance in a business, group, team, collaborative enterprise, or other setting requiring at least some interpersonal interaction in pursuit of a common goal. Such contexts commonly arise in real-world contexts, where leadership, teamwork, and a variety of interpersonal skills are brought to bear in performing various tasks in an enterprise, company, professional, or group setting.

Thus, each of the independent claims, as amended, recite querying an entity regarding an evaluatee, where such queries seek information as to the performance of the evaluatee in a business, group, team, collaborative enterprise, or other setting requiring at least some interpersonal interaction

in pursuit of a common goal. This feature is neither taught nor suggested by *Sheehan* or *Driscoll*, whether alone or in combination.

Thus, Applicants respectfully submit that neither *Sheehan* nor *Driscoll*, alone or in combination, teach or suggest all of the elements of the independent claims, as amended, for the foregoing reasons.

Thus, for similar reasons, the dependent claims are also urged as patentable over *Sheehan* and *Driscoll*, whether alone or in combination.

*Nichols* is directed to a goal based learning system that uses a rule based expert training system to provide a cognitive educational experience. The Office Action cites *Nichols* regarding feedback including links to auxiliary tools in connection with claim 32, and regarding that such tools are a method of conducting an evaluatee assessment in connection with claim 33. However, *Nichols* does not cure the deficiencies of *Sheehan* and *Driscoll* as a reference against the independent claims, including claim 30, and thus claim 30, and similarly claims 32-33, are urged as patentable over *Sheehan*, *Driscoll* and *Nichols*, whether alone or in combination.

Additionally, as discussed in the interviews, the independent method claims have been amended to clarify that the methods are implemented using a computer, data processing device, or other electronic communication system, so as to obviate the Examiner's concerns regarding any 35 U.S.C. § 101 issues.

### **CONCLUSION**

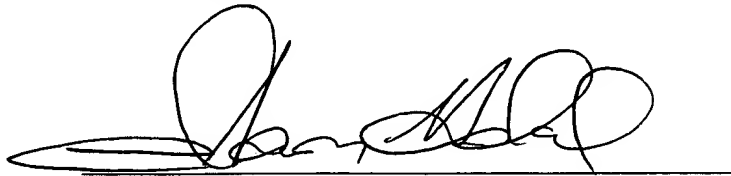
In view of the remarks herein, Applicants believe that each ground for rejection made in the instant application has been successfully overcome or obviated, and that all pending claims are now in condition for allowance. Withdrawal of the Examiner's rejections, and allowance of the current application are respectfully requested.

The Examiner is invited to telephone the undersigned in order to resolve any issues that might arise and to promote the efficient examination of the current application.

No additional fee is believed necessary for entry of this Amendment. However, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 50-0540.

Dated: July 26, 2006

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Aaron S. Haleva', is written over a horizontal line.

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